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10/685,742	10/15/2003	Craig P. Sayers	200208398-1	6141

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
VUONG, QUOCHIEN B	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
10/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/685,742	SAYERS, CRAIG P.	
	Examiner	Art Unit	
	Quochien B. Vuong	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's response filed on 06/09/2008. Claims 1-30 are now pending in the present application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-15, 17-25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 6,879,600) in view of Garg (US 6,776,334).

Regarding claim 1, Jones et al. (figures 2-5) disclose a method for controlling network access, comprising: providing a first area (figure 2, area 206) for wireless access to a local area network (figure 4, WLAN 418); and wirelessly transmitting within a second area (figure 2, area 204) information needed by a wireless device to gain access to the local area network by using a beacon (column 25, lines 5-10), wherein at least part of the first area is outside the second area (column 12, lines 22-64; column 15, line 63 – column 18, line 67). Jones et al. do not specifically disclose the beacon is a line-of-sight beacon. However, Garg discloses transmitting a beacon signal in a room using a line-of-sight beacon (column 5, line 5-13). Therefore, it would have been obvious to adapt the line-of-sight beacon of Garg to the method of Jones et al. to

provide access information to the local area network within a room or section of the building.

Regarding claim 2, Jones et al. disclose wherein transmitting the information comprises transmitting encryption key information (column 21, lines 21-65).

Regarding claim 3, Jones et al. disclose wherein transmitting the information comprises transmitting access point information (column 18, line 44 –column 19, line 8).

Regarding claim 4, Jones et al. disclose wherein the first area is a transmission range of a component of the local area network (figure 2, area 206; and figure 4, WLAN 418), the second area (figure 2, area 204) is a transmission range of another component receiving the wirelessly transmitted information, and the second area is smaller than the first area.

Regarding claims 5-6, Jones et al. and Garg disclose the method of claim 1 above; in addition,Garg discloses transmitting a beacon signal in a room using a line-of-sight beacon, an optical beacon, or an infrared beacon (column 5, line 5-13).

Regarding claim 7, Jones et al. (figures 2-5) disclose a method for accessing a network, comprising: providing a first area (figure 2, area 206) for wireless access to a local area network (figure 4, WLAN 418); wirelessly transmitting information for controlling access to the local area network within a second area (figure 2, area 204) by using a beacon (column 25, lines 5-10), wherein at least part of the first area is outside the second area; receiving the information in a wireless device (column 21, lines 10-21); initializing the wireless device to access the local area network using the information (column 21, lines 22-32); and accessing the local area network with the wireless device

at a location within the first area and outside the second area (column 18, line 23-35; and column 21, line 50 – column 22, line 13). Jones et al. do not specifically disclose the beacon is a line-of-sight beacon. However, Garg discloses transmitting a beacon signal in a room using a line-of-sight beacon (column 5, line 5-13). Therefore, it would have been obvious to adapt the line-of-sight beacon of Garg to the method of Jones et al. to provide access information to the local area network within a room or section of the building.

Regarding claim 8, Jones et al. disclose wherein transmitting the information comprises transmitting an encryption key (column 21, lines 21-65).

Regarding claim 9, Jones et al. disclose wherein transmitting the information comprises transmitting an access point identifier (column 18, line 44 –column 19, line 8).

Regarding claim 10, Jones et al. disclose wherein transmitting the information comprises transmitting information that allows the wireless device to obtain an encryption key (column 21, lines 21-65).

Regarding claims 11-13, Jones et al. disclose wherein the first area (figure 2, area 206) is a transmission range of a component of the local area network (figure 4, WLAN 418) , the second area (204) is a transmission range of another component receiving the wirelessly transmitted information, and the second area is smaller than the first area; wherein the second area is within the first area; or wherein the second area is outside the first area (see figure 2; column 12, lines 57-63).

Regarding claim 14, Jones et al. and Garg disclose the method of claim 7 above; in addition,Garg discloses transmitting a beacon signal in a room using an optical beacon (column 5, line 5-13).

Regarding claim 15, Jones et al. disclose wherein the second area comprises a secure area (column 16, lines 20-42).

Regarding claim 17, Jones et al. disclose charging a fee for accessing the local area network (column 24, lines 5-26).

Regarding claim 18, Jones et al. (figures 1-5) disclose a system for providing wireless network access to at least one wireless device (figure 1, mobile station 116), comprising: a network access circuit arrangement adapted to provide a wireless device with access to a local area network (figure 4, WLAN 418) within a wireless-access area (figure 2, area 206) after the wireless device is configured for local area network access; and a configuration circuit arrangement, coupled to the network access circuit arrangement, the configuration circuit arrangement adapted to wirelessly transmit within a configuration-information area (figure 2, area 204) information for controlling access to the local area network by using a beacon (column 25, lines 5-10), wherein at least part of the wireless-access area is outside the configuration-information area (column 12, lines 22-64; column 15, line 63 – column 18, line 67). Jones et al. do not specifically disclose the beacon is a line-of-sight beacon. However, Garg discloses transmitting a beacon signal in a room using a line-of-sight beacon (column 5, line 5-13). Therefore, it would have been obvious to adapt the line-of-sight beacon of Garg to the system of

Jones et al. to provide access information to the local area network within a room or section of the building.

Regarding claims 19-21, Jones et al. disclose wherein the wireless access area (figure 2, area 206) is a transmission range of a component of the local area network (figure 4, WLAN 418) , the configuration-information area (204) is a transmission range of another component receiving the wirelessly transmitted information and wherein the configuration-information area is smaller than the wireless access area; wherein the configuration-information area is within the wireless access area; or wherein the configuration-information area is outside the wireless-access area (column 12, lines 57-63).

Regarding claim 22, Jones et al. disclose wherein the configuration circuit arrangement is adapted to transmit encryption key information (column 21, lines 21-65).

Regarding claim 25, Jones et al. disclose wherein the configuration-information area is within a secure area (column 16, lines 20-42).

Regarding claim 27, Jones et al. disclose system for providing network access control information, comprising: means for providing a first area (figure 2, area 206) for wireless access to a local area network (figure 4, WLAN 418); and means for wirelessly transmitting within a second area (figure 2, area 204) information needed by a wireless device to gain access to the local area network by using a beacon (column 25, lines 5-10), wherein at least part of the first area is outside the second area (column 12, lines 22-64; column 15, line 63 – column 18, line 67). Jones et al. do not specifically disclose the beacon is a line-of-sight beacon. However, Garg discloses transmitting a

beacon signal in a room using a line-of-sight beacon (column 5, line 5-13). Therefore, it would have been obvious to adapt the line-of-sight beacon of Garg to the system of Jones et al. to provide access information to the local area network within a room or section of the building.

Regarding claim 28, Jones et al. disclose comprising means for charging a fee in association with access by the first device to the local area network (column 24, lines 5-26).

Regarding claim 29, Jones et al. disclose means for restricting access to the second area (column 16, lines 20-42).

Regarding claim 30, Jones et al. disclose a system for accessing a network, comprising: means for providing a first area (figure 2, area 206) for wireless access to a local area network (figure 4, WLAN 418); means for wirelessly transmitting information for controlling access to the local area network within a second area (figure 2, area 204) by using a beacon (column 25, lines 5-10), wherein at least part of the first area is outside the second area; means for receiving the information in a wireless device (column 21, lines 10-21); means for initializing the wireless device to access the local area network using the information (column 21, lines 22-32); and means for accessing the local area network with the wireless device at a location within the first area and outside the second area (column 18, line 23-35; and column 21, line 50 – column 22, line 13).

Regarding claim 23, Jones et al. disclose wherein the first area (figure 2, area 206) is a transmission range of a component of the local area network (figure 4, WLAN

418) , the second area (204) is a transmission range of another component receiving the wirelessly transmitted information, and the second area is smaller than the first area (see figure 2; column 12, lines 57-63).

3. Claims 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. in view of Garg and further in view of Langensteiner et al. (US Publication No. 2000/0194141).

Regarding claims 16 and 26, Jones et al. and Garg disclose the method and system of claims 7 and 18 above. Jones et al. and Garg do not disclose wherein the second area comprises an area near a point of sale terminal. However, Langensteiner et al. disclose transmitting a beacon signal in an area comprises an area near a point of sale terminal (paragraphs [0019]-[0021]). Therefore it would have been obvious for one having ordinary skill in the art to adapt the teaching of transmitting a beacon signal in an area comprises an area near a point of sale terminal of Langensteiner et al. to the method and system of Jones et al. and Garg so that people can purchase or do payment transaction over the local area network.

Response to Arguments

4. Applicant's arguments filed 06/09/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that Jones and Garg fail to disclose the amended claim 1, the test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In this case Jones et al. disclose all the claimed limitations except using the line-of-sight communication. And that feature is taught by Garg as explained in the rejection above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quochien B Vuong/
Primary Examiner, Art Unit 2618